



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE
DIRECTOR

August 6, 1990
AO-90-27

Betty J. Diener
2001 Marina Drive
North Quincy, MA 02171

Dear Ms. Diener:

This letter is in response to your request for an advisory opinion concerning certain activities you propose to undertake on behalf of a candidate running for statewide office.

You are a professor of marketing in the College of Management at the University of Massachusetts/Boston. You teach marketing, management, retailing, advertising and strategic planning. You have an interest in both business and public management.

You wish to provide consulting services as a volunteer to a candidate. The specific services you wish to provide are as follows:

1. Services appropriate to a marketing consultant, advising the candidate on the possible effectiveness of promotional and advertising materials used for field, volunteer, political, press relations and fundraising activities.
2. Strategic planning, including the development of a strategic plan that integrates all vital strategic factors into a coordinated operational plan, again encompassing field, volunteer, political, press relations, and fundraising activities.
3. Public relations planning and activities, including the development of a public relations campaign, press releases and other publicity materials.
4. Computerized list management, including the identification and evaluation of prospect mailing lists, and advice on the use of those lists for field, volunteer, political, press relations, and fundraising activities.
5. Polling and research, including assisting in the development and execution of polls and their analysis for use in the development of political strategy.

6. Advertising planning and activities, including assisting in the strategic planning, message development, and production of materials to be used in advertising campaigns for the candidate.

7. Field/volunteer structure, including advising campaign staff in the establishment of certain field and volunteer structures, in the development of project goals, and assistance in their implementation.

You have stated that you would not be involved either directly or indirectly in the solicitation or receiving of gifts. You have further stated that although you might in some instances be working either directly or indirectly in the evaluation of fundraising operations, such work would only involve those operations as they relate to field, volunteer, advertising, press relations, research, or computer systems development, and that you would find it difficult to separate the aforementioned areas and still provide a meaningful and effective plan or service.

Section 13 of M.G.L. c.55 states, in part:

No person employed for compensation, other than an elected officer, by the commonwealth or any county, city, or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees. The soliciting or receiving of any gift, payment, contribution, assessment, subscription or promise of money or other thing of value by a non-elected political committee organized to promote the candidacy for public office of a person so employed for compensation by the commonwealth or any county, city or town, shall not be deemed to be a direct or indirect solicitation or receipt of such contribution by such person; provided, however, that no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or received on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has any interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility.

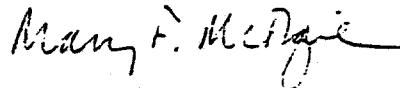
Section 13 prohibits any person employed for compensation by the Commonwealth or any political subdivision thereof from directly or indirectly soliciting or receiving contributions

for any political purpose. It is the opinion of this office, that to the extent the volunteer consulting services you propose to undertake as described in items 1, 2, and 4 for a statewide candidate incorporate advice on fundraising activities, the provision of such services by you would be prohibited as an indirect solicitation of contributions for a political purpose. It is the further opinion of this office that the consulting work you otherwise propose to undertake as described above for field, volunteer, political, press relations, polling and research, and advertising would not be considered a direct or indirect solicitation of contributions for a political purpose prohibited by section 13. Although this office has addressed seemingly similar situations previously, we have reached this differing opinion in this particular instance because the information you provided to us, both in writing and in discussions with our staff, emphasizes a fundraising aspect of the proposed consulting work we had not been requested to address before.

This opinion has been rendered solely on the basis of representations made by you and solely in the context of M.G.L. c.55. We would also advise you to consult with the State Ethics Commission about the conflict of interest law.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,



Mary F. McTigue
Director

MFM/wp